



## MUNICIPAL ETHICS COMMISSIONS

By: Terrance Adams, Associate Analyst

### ISSUE

Describe municipal ethics commissions, including (1) how many members serve on a commission, (2) how members are appointed and for how long, and (3) the commissions' enforcement powers.

### SUMMARY

The law allows municipalities to (1) adopt a code of ethical conduct; (2) establish, by charter or ordinance, a board, commission, council, committee, or other agency ("ethics commissions") to investigate complaints of unethical conduct or illegal activities committed by municipal officials, officers, or employees; and (3) impose fines of up to \$250 for violations. "Municipalities" are towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs (CGS §§ [7-148\(a\)](#); [7-148 \(c\)\(10\)\(A\) and \(B\)](#); and [7-148h](#)).

According to the 2009 final report of the Task Force on Municipal Ethics, which was the most recent information available, 70 municipalities had formed ethics commissions as of the report's publication. For this report, we selected a sample of 15 municipalities from different regions of the state that have ordinances establishing ethics commissions: Brookfield, Colchester, Ellington, Enfield, Glastonbury, Greenwich, Griswold, Guilford, Mansfield, Meriden, Norwich, Southington, Tolland, Torrington, and Trumbull.

Twelve of the 15 commissions we sampled have five members, and eight of the 15 have alternates. All of the selected commissions are appointive; boards of selectmen and town councils are the most common appointing authorities. The most common term length for these commissions is three years, with eight of the 15 commissions in our sample having three-year terms. Additionally, seven of the 15 commissions limit the number of years of either (1) overall service or (2)

consecutive service. Ethics commissions must also comply with state law's minority representation requirement, which prohibits more than a specified proportion of the membership (generally two-thirds) from belonging to the same political party.

In terms of enforcement power, most of the selected commissions are limited to making recommendations to another entity (e.g., the town manager) for disciplinary action. These recommended actions typically include censures or reprimands, suspensions or demotions, termination from employment or removal from office, restitution of pecuniary benefits, or a civil penalty. However, some ordinances allow the commissions themselves to issue reprimands, impose fines, or require payment of restitution.

State law requires municipal ethics commissions to adhere to the same confidentiality requirements as the Office of State Ethics when handling allegations of unethical conduct. Ethics commissions may issue subpoenas to compel the (1) attendance of individuals at hearings and (2) production of books, documents, records, and papers (CGS § [7-148h\(a\)](#)).

## COMPOSITION

Table 1 shows, for each commission in our sample, the number of members, their term lengths, and method of appointment. It also identifies those commissions that impose stricter minority representation requirements on their ethics commission than those required by state law (see Minority Representation, below).

**Table 1: Composition of Selected Municipal Ethics Commissions**

<i><b>Municipality (and citation)</b></i>	<i><b>Number of Members</b></i>	<i><b>Term Length</b></i>	<i><b>Appointing Authority</b></i>
Brookfield (Charter §§ C7-4, C7-6, Addendum A (III))	3	4 years	Board of Selectmen
Colchester (Code of Ordinances § 53-3)	5	3 years  Members cannot serve more than two consecutive 3-year terms	Board of Selectmen
Ellington (Charter § 825)	5	4 years  Members cannot serve consecutive terms	Board of Selectmen

**Table 1 (continued)**

<b><i>Municipality (and citation)</i></b>	<b><i>Number of Members</i></b>	<b><i>Term Length</i></b>	<b><i>Appointing Authority</i></b>
Enfield (Code of Ordinances § 2-123)	5  (plus 2 alternates)  No more than 2 regular members can be from same political party	2 years  Regular members cannot serve more than three consecutive 2-year terms  A regular member who serves three consecutive 2-year terms must wait 2 years before he or she may be reappointed	Town Council
Glastonbury (Code of Ordinances § 2-58)	5  (plus 2 alternates)  No more than 2 regular members and 1 alternate can be from same political party  At least one regular member must be unaffiliated	4 years	Town Council  (requires at least 7 of 9 votes)
Greenwich (Code of Ordinances § 2-11)	5	3 years	Nominated by Board of Selectmen and appointed by Representative Town Meeting
Griswold (Code of Ordinances § 35-5)	5  (plus 1 alternate)	3 years	Board of Selectmen (must be unanimous vote)
Guilford (Charter §§ 4-2, 4-9) (Ordinances § 31-6)	5  No more than 2 can be from same political party	4 years  Members cannot serve more than two consecutive 4-year terms  A member who serves two consecutive 4-year terms must wait at least 1 year before he or she may be reappointed	Board of Selectmen
Mansfield (Code of Ordinances § 25-5)	5  (plus 2 alternates)  No more than 3 members and 1 alternate can be from same political party	3 years  2 years for alternates	Town Council
Meriden (Charter §§ C3-3J, C7-8)	5  No more than 2 can be from same political party	3 years	City council, upon mayor's recommendation (recommendation is deemed approved unless council rejects it)

Table 1 (continued)

<b><i>Municipality (and citation)</i></b>	<b><i>Number of Members</i></b>	<b><i>Term Length</i></b>	<b><i>Appointing Authority</i></b>
Norwich (Code of Ordinances § 2-55)	5  (plus 4 alternates)	2 years  Members and alternates cannot serve more than three consecutive terms	City Council
Southington (Code of Ordinances § 28-11)	4  (plus 2 alternates)  No more than 2 members and 1 alternate can be from same political party	3 years  A member who serves 6 years in succession cannot be reappointed	Town Council
Tolland (Code of Ordinances § 6-9)	3	3 years	Town Council
Torrington (Code of Ordinances § 22-16)	5  (plus 3 alternates)  No more than 2 members and 1 alternate can be from same political party	3 years  A member who serves 6 years in succession cannot be reappointed	Mayor, with City Council's advice and consent
Trumbull (Charter Article VII, § 17)	5  (plus 2 alternates)  Alternates cannot be from same political party	5 years  2 years for alternates	First Selectman recommends, Town Council appoints by two-thirds vote

### ***Minority Representation***

State law requires minority political party representation on certain governmental bodies of the state, its towns, and other political subdivisions. No more than a specified number of members (generally two-thirds of the total) enrolled in the same political party can serve on a particular body, as shown in Table 2.

Municipalities may require a greater degree of minority representation through the adoption of a charter provision that sets a lower maximum number from the same party ([CGS § 9-167a](#)).

Table 2: State Minority Representation Law

<i>Total Membership</i>	<i>Maximum From One Party</i>
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

Source: [CGS § 9-167a](#)

Eight of the 15 municipalities in our sample impose stricter minority representation requirements on their ethics commission than those imposed by state law, as indicated in Table 1.

## **INVESTIGATION AND ENFORCEMENT POWER**

### ***State Law***

The law requires municipal ethics commissions to adhere to the same confidentiality requirements as the Office of State Ethics when handling allegations of unethical conduct (CGS § [7-148h\(a\)](#)). Thus, a complaint to, and investigation by, an ethics commission must remain confidential unless (1) the respondent requests otherwise or (2) there is a probable cause finding, at which point the entire record of the investigation becomes public. If no probable cause is found, the complaint and investigation can be disclosed only upon the respondent's request, but the record may be used in subsequent proceedings. The law does not prohibit the commissions from reporting a possible crime to the chief state's attorney or other prosecutorial authority (CGS § [1-82a](#)).

The law authorizes ethics commissions to issue subpoenas to compel the (1) attendance of individuals at hearings and (2) production of books, documents, records, and papers (CGS § [7-148h\(a\)](#)).

### ***Municipal Commissions***

Table 3 shows (1) the enforcement powers of the selected municipal ethics commissions and (2) their other duties and powers.

Generally, ethics commissions may investigate complaints of unethical conduct based upon a formal complaint or their own initiative. Each of the ordinances we reviewed requires complaints to be in writing, with nine of them requiring that complaints be signed under penalty of false statement. Ten of the 15 ordinances establish a time limit for filing a complaint, ranging from 18 months to five years after the alleged violation.

Eleven of the 15 ordinances allow a violation (and in some instances, probable cause) to be found only by (1) a supermajority of the commission or (2) a majority of all members (as opposed to a majority of the members present). Some ordinances require the commission to use the clear and convincing evidence standard, while others do not specify a standard. In terms of enforcement power, most of the selected commissions are limited to making recommendations to another entity (e.g., the town manager) for disciplinary action; only five of the 15 commissions have powers that extend beyond making recommendations.

Nearly all of the selected ordinances authorize commissions to issue advisory opinions. Some ordinances require a commission to issue an advisory opinion upon a written request; for others, issuing the opinion is permissive.

**Table 3: Municipal Ethics Commissions, Enforcement Power**

<i><b>Municipality (and Citation)</b></i>	<i><b>Enforcement Power</b></i>	<i><b>Other Powers and Duties</b></i>
Brookfield (Charter § C10-4) (Code of Ordinances §§ 21-5 to 21-7)	Recommended discipline may include (1) public admonition or reprimand, (2) suspension or demotion, (3) forfeiture of or removal from office, (4) termination of employment, (5) cease and desist orders, or (6) a fine  Board of Selectmen must implement Board of Ethics recommendations unless the selectmen, within 30 days after receiving the recommendations, reject them by a two-thirds vote	May retain counsel to enforce its recommendations  May issue advisory opinions upon written request
Colchester (Code of Ordinances §§ 53-4 to 53-8)	A violation may be found only if at least 4 of 5 members concur  Sanctions the commission may impose include (1) public censure and reprimand, (2) a civil penalty of up to \$100 per violation, or (3) restitution  The commission may recommend to the Board of Selectmen (1) disciplinary action against a town employee as provided in town policy and any applicable collective bargaining agreement or (2) removal from office	Must issue advisory opinions upon request  Must file annual report with Board of Selectmen

**Table 3 (continued)**

<b><i>Municipality (and Citation)</i></b>	<b><i>Enforcement Power</i></b>	<b><i>Other Powers and Duties</i></b>
Ellington (Charter § 825) (Code of Ordinances §§ 67-3, 67-5 to 67-10)	<p>A probable cause determination requires at least 3 of 5 affirmative votes</p> <p>Finding a code violation requires at least 4 affirmative votes</p> <p>If the commission finds a violation, it must issue a memorandum of decision with a recommendation for action by the Board of Selectmen or Board of Education, as appropriate</p> <p>Recommended action may include (1) reprimand, (2) censure, (3) termination, (4) suspension of compensation or position for up to 90 days, (5) a fine of up to \$250 per violation, or (6) restitution</p> <p>The applicable board must notify the commission of the action taken or lack of action and its reasons</p> <p>The board's decision is final and binding on respondent and commission</p>	May issue advisory opinions
Enfield (Code of Ordinances §§ 2-126, 2-129)	<p>Probable cause determination requires affirmative vote of at least 4 of 5 members</p> <p>Commission reports findings and recommendations to Town Council, town manager, or Board of Education, as appropriate</p> <p>The applicable entity must (1) meet with the commission in open session to consider the findings and recommendations and (2) make a decision within 30 days of the commission's issuance of findings and recommendations</p> <p>Recommendations may include (1) suspension, (2) censure, (3) dismissal of an employee, (4) removal of an appointed official, or (5) a public recommendation to an elected official that he or she resign from office</p> <p>Allegations against sworn police officers and animal control officers, except allegations against officers above the rank of lieutenant, must be referred to the director of public safety</p>	Must issue advisory opinion upon request of a public official or municipal employee
Glastonbury (Code of Ordinances §§ 2-58, 2-67, 2-69)	<p>At least 4 of 5 votes needed to find (1) probable cause and (2) a violation</p> <p>Commission files memorandum of decision with (1) Town Council and (2)(a) town manager or (b) superintendent of schools and Board of Education, as appropriate</p> <p>Code violations are grounds for the appointing authority to censure, reprimand, suspend, demote, remove, or dismiss officials, employees, or consultants</p>	<p>May issue advisory opinions on its own initiative or upon the request of anyone subject to the code</p> <p>May issue guidelines and a plain language handbook explaining the code</p>
Greenwich (Code of Ordinances § 2-12, and Board Procedures)	<p>Must publish findings and recommendations, along with reasons supporting them</p> <p>Findings and recommendations may include, among other things: (1) return of improperly received gifts; (2) censure; (3) resignation, termination, demotion, transfer, or suspension; (4) termination of a contract; or (5) legal action for damages suffered by the town</p>	<p>Must issue advisory opinions upon written request of any town officer</p> <p>Must submit annual report to Board of Selectmen and Representative Town Meeting</p>

**Table 3 (continued)**

<b><i>Municipality (and Citation)</i></b>	<b><i>Enforcement Power</i></b>	<b><i>Other Powers and Duties</i></b>
<p>Griswold (Code of Ordinances §§ 35-6 to 35-9)</p>	<p>At least 4 of 5 votes needed to find (1) probable cause and (2) a violation</p> <p>\$100 fine per violation (however, the ordinance also says that fines may be up to the maximum allowed under state law (i.e., \$250))</p> <p>The commission's sanctions include (1) censure, (2) reprimand, (3) a fine of up to the maximum allowed under state law, (4) restitution, or (5) referral to appropriate authorities for further civil action or criminal prosecution</p> <p>The commission must refer willful violations to the Board of Selectmen; the board's sanctions include (1) suspension or termination from employment, (2) removal or suspension from appointed office, (3) restitution, (4) termination or revocation of any contract with the town, or (5) debarment from entering into future contracts with the town</p>	<p>Must issue advisory opinions upon request of a person subject to ethics code</p> <p>Must provide training or written updates on the code every two years to town officials, employees, and consultants</p>
<p>Guilford (Code of Ordinances § 31-6)</p>	<p>At least 3 of 5 votes needed to find probable cause</p> <p>If the board makes a probable cause finding, it must report its findings and recommendations to the Board of Selectmen or Board of Education, as appropriate</p> <p>Probable cause appears to be extent of board's findings; the ordinance does not articulate any procedures for finding a violation</p>	<p>May issue advisory opinions upon request of a town official</p>
<p>Mansfield (Code of Ordinances §§ 25-6, 25-8)</p>	<p>At least 4 of 5 votes needed to find a violation, using clear and convincing evidence standard</p> <p>Must submit memorandum of decision to Town Council, town manager, and any other appropriate town agency</p> <p>Recommendations may include (1) recusal, (2) public censure or reprimand, (3) termination or suspension of employment, (4) removal or suspension from appointive office, (5) termination of contractual status, or (6) pursuit of injunctive relief</p>	<p>Must issue advisory opinions upon request of a person or agency subject to the ethics code</p> <p>Must submit annual report to Town Council</p>
<p>Meriden (Code of Ordinances §§ 21-5, 21-7)</p>	<p>A complaint may be filed by the mayor, city manager, city attorney, any member of the City Council, or five or more electors</p> <p>At least 4 of 5 votes required to find (1) probable cause and (2) a violation</p> <p>Violations require clear and convincing evidence standard</p> <p>Sanctions include (1) public censure and reprimand, (2) a recommendation to an employee's appointing authority for appropriate personnel action, (3) a civil penalty of up to \$100 per violation, or (4) restitution</p> <p>The City Council by resolution may void any contract, transaction, or official act entered into or taken in violation of the city's code of ethics</p>	<p>Must issue advisory opinion upon written request of any person subject to code</p> <p>Must submit annual report to City Council</p>



**Table 3 (continued)**

<b><i>Municipality (and Citation)</i></b>	<b><i>Enforcement Power</i></b>	<b><i>Other Powers and Duties</i></b>
Norwich (Code of Ordinances §§ 2-55, 2-56, and Commission Rules and Procedures)	<p>If probable cause is found, a public hearing is held by 5 members or alternates; finding a violation requires a vote of 3 members of the hearing panel, using the clear and convincing evidence standard.</p> <p>Makes findings and recommendations to the City Council and reports to the entity with removal power; the entity with this power must report the disposition to the commission within 60 days</p> <p>Code of ethics does not list possible recommended actions</p>	May issue advisory opinions upon request of a city officer, official, or employee
Southington (Code of Ordinances §§ 28-14, 28-15)	<p>Finding a violation requires 3 of 4 affirmative votes</p> <p>If the board finds probable cause, it must report findings and recommendations to appointing authority or the applicable elected board or commission; disposition must be made by majority vote, excluding respondent, in open session</p> <p>Code of ethics does not list possible recommended actions</p>	<p>Town attorney, not board, provides advisory opinions</p> <p>Hearings must be recorded by a duly licensed stenographer</p>
Tolland (Code of Ordinances §§ 6-9 and 6-10)	<p>If the commission finds unethical conduct by a town official or employee, it must make a public report to (1) the Town Council or Board of Education, as appropriate, if the person is an elected official or (2) the appointing authority, if the person is an employee</p> <p>If the commission finds unethical conduct by a paid consultant or business performing work for the town, it can disbar the consultant or business from doing business with the town for up to 10 years</p>	May appoint a special counsel, who cannot be the town attorney, to investigate complaints, administer oaths, obtain subpoenas, make probable cause determinations, and make recommendations to the commission based on his or her investigation
Torrington (Code of Ordinances §§ 22-17 to 22-19)	<p>Must submit recommendations to board, agency, or public official with supervisory or disciplinary authority over respondent</p> <p>Recommendations may include (1) oral or written reprimand, (2) suspension without pay, (3) a fine of up to \$100, or (4) termination of employment or removal from appointed office</p> <p>Board must refer matters involving criminal conduct to police department</p> <p>Certain violations involving contracts must be referred to Board of Councilmen, which may void the contract or transaction</p>	<p>Must submit annual report to mayor and board of councilmen</p> <p>Must issue advisory opinions upon written request of any person subject to code</p>
Trumbull (Code of Ordinances §§ 2-532, 2-548, 2-552)	<p>Finding a violation and imposing sanctions requires a majority of all members (3 votes)</p> <p>May issue a public reprimand to be filed with town clerk</p> <p>May recommend to the (1) hiring authority any appropriate disciplinary or removal proceedings and (2) town attorney or state's attorney that further action be taken in accordance with state law</p>	May issue advisory opinions

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